

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NILAS THOMPSON, III,

Plaintiff,

v.

**9:08-CV-965
(FJS/ATB)**

**SCOTT C. CARLSEN, Superintendent, Ulster
Correctional Facility; JANE DOE, Nurse,
Ulster Correctional Facility; MS. SARKOWSKI,
E1 Housing Unit Officer, Ulster Correctional
Facility; JOHN DOE #1, E1 Housing Unit Officer,
Ulster Correctional Facility; JOHN DOE #2,
E1 Housing Unit Officer, Ulster Correctional
Facility; JOHN DOE, Housing Unit Sergeant/
Supervisor, Ulster Correctional Facility;
JOHN DOE, 1, Mess Hall Officer, Ulster
Correctional Facility; JOHN DOE, 2, Mess
Hall Officer, Ulster Correctional Facility;
JOHN DOE, Mess Hall Supervising Sergeant,
Ulster Correctional Facility; and DUANE
TAYLOR, Inmate Grievance Resolution
Committee Director, Ulster Correctional
Facility,**

Defendants.

APPEARANCES

OF COUNSEL

**NILAS THOMPSON, III
07-R-4486**

Attica Correctional Facility
Box 149
Attica, New York 14011
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
The Capitol
Albany, New York 12224
Attorneys for Defendants

JUSTIN C. LEVIN, AAG

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this action on September 12, 2008. *See* Dkt. No. 1. On December 30, 2009, Defendants Carlsen and Taylor filed a motion for summary judgment.¹ *See* Dkt. No. 24. After seeking and receiving two extensions of time, Plaintiff failed to file any papers in opposition to that motion. *See* Dkt No. 26; Text Order dated February 2, 2010; Dkt. No. 27; Text Order dated March 29, 2010. In a Report-Recommendation dated August 16, 2010, Magistrate Judge Baxter recommended that the Court grant Defendants' motion for summary judgment and dismiss the complaint in its entirety. *See* Dkt. No. 29 at 33-34. Plaintiff did not file any objections to this recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Baxter's August 16, 2010 Report-Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Baxter's August 16, 2010 Report-Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

¹ Defendants Carlsen and Taylor are the only two named Defendants who have been served with the complaint. *See* Dkt. Nos. 6-7.

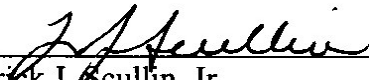
ORDERS that Defendants' motion for summary judgment is **GRANTED** in its entirety and Plaintiff's complaint is **DISMISSED** against all Defendants in all respects; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: September 7, 2010
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge